

REMARKS

The indication that the drawings filed on August 4, 2000, have been accepted by the Office is noted with appreciation.

Claims 7 and 13 were canceled, and the substance of these claims were incorporated into independent claims 1 and 10, respectively. Claims 1-6, 8-12, and 14-15 have been amended, and the application now includes claims 1-6, 8-12, and 14-15. Pages 35 and 36 of the application support the concept that the component kits do not have interconnectivity faults. Pages 32 and 33 of the application supports the concept that the specific components have electrical characteristics or frequency specific information associated with them. Pages 24 and 25 of the application supports the concept of performing predictions based on a model of the physical environment and the components to be used in the network, as well as the concept of comparing or fine tuning the prediction model with actual measurements made in the physical environment. Pages 42 and 43 of the application specifically discuss the creation and use of component kits.

Claims 1-15 were rejected as being obvious over SitePlanner™ 3.0 User's Manual in view of U.S. Patent 6,772,103 to King. This rejection is traversed in view of the amendments above, and arguments below.

As is recognized by the Examiner, the SitePlanner 3.0 product is marketed by a company that the inventors are or were associated with. The SitePlanner 3.0 product identified in this office action is related to the SMT Plus product which was distinguished in the last response. With respect to the claimed invention, the SitePlanner 3.0 reference now relied on by the Examiner shows no more than the SMT Plus reference which was distinguished earlier. In particular, independent claims 1 and 10 require the use of "component kits". These are fault free, computerized representations of a number of different components (e.g., antennas, cables, base stations, splitters, etc.). As explained on pages 42 and 43 of the application, the component kits can be handled in a manner similar to individual components within the context of the computerized model; however, the use of component kits provides the advantage that a computerized representation of an

existing or to be constructed communications network can be populated quite quickly, and without interconnectivity errors between a number of individual components which make up each “kit”, by using the computerized representations of the “component kits” rather than having to populate using each and every specific component that is used in the communications network. SitePlanner 3.0, like SMT Plus and King, wholly lacks this creative concept. At best, SitePlanner 3.0 does crude checking of the number of ports for a component, but does not incorporate interconnectivity validation based on frequency or electrical data.

The Examiner has looked to King as supplying the “component kit” concept and suggests that it would be obvious to one of ordinary skill in the art to combine King with SitePlanner 3.0 to arrive at or make obvious the claimed invention. The undersigned disagrees.

First, as will be recognized by the Examiner, the SitePlanner 3.0 is a design tool or system which is software based and which is focused at the communications market. It will be used by technicians that are designing or installing components capable of communications such as cables and antennas. In sharp contrast, King is drawn to a computerized system for designing for the installation of pipelines and vessel (i.e., fluid handling systems). The Examiner will recognize that communications, particularly wireless communications where communicating is based on radio propagation between unconnected elements, is quite different than devices for controlling the flow of fluid through pipes (i.e., where all parts are connected and all fluid is contained within the parts). One of ordinary skill in the communications systems design field would not look to a solution in the fluid flow and piping disciplines for a solution to a communications system designing problem. Furthermore, the Examiner will appreciate that the proper performance of a communications system is highly dependent on the physical environment where radio waves may or may not propagate, and thus depend upon electrical and frequency properties of the surrounding environment. King, and the art of fluid flow and piping, do not need to address how the physical environment impacts performance (e.g., the fluid in a pipe is not impacted in terms of its flow pattern by a wall thirty feet away).

Furthermore, King relies on an exhaustive set of canned, preset table look ups to determine “kit” construction, and completely lacks the ability of predictive verification or electrical matching to assure the proper connections for new or different components that may become available. SitePlanner 3.0 also lacks this connectivity or verification capability. Thus, the two references are not properly combined in the manner suggested by the Examiner.

Second, even if the two references could be combined, the combination would not produce or make obvious the claimed invention. Specifically, independent claims 1 and 10 now require:

1) The interconnectivity of the two system components is assured to be without a fault.

SitePlanner 3.0 does not have any disclosure related to component kits. King merely includes preloaded kits that might be used in the installation. See, for example, the many kit descriptions in columns 3-10 of King. There is no provision in King that the components in the kit will be interconnected in a fault free fashion as is described in the present application, and as is claimed in the independent claims. Thus, any combination of SitePlanner and King would not provide component kits where the interconnectivity of said at least two system components without a fault is assured.

2) Claims 1 and 10 now require that some or all the system components have one or more electrical characteristics or frequency specific information, and that at least one performance characteristic be determined for at least a part of said communications network which includes said at least one component kit.

The Examiner will clearly see that King does not show or disclose components which have electrical characteristics or frequency specific information. Furthermore, King does not describe determining performance characteristics. Rather, as can be seen from Figure 13 of King, what is being provided is a solution of various component parts in the form a kit, in response to conditions determined in a system where fluids are being handled. That is, the

solution being provided has nothing to do with a predicted performance criteria, but only on a preset table look up of parts. It is clear that King does no fault checking and is unable to validate through performance prediction or by checking the proper frequency or electrical interconnection that its solution will meet specific installation requirements where the installation will be impacted by the physical environment, itself.

While SitePlanner 3.0 discusses performance predictions, SitePlanner 3.0 does not include performance kits in any respect. Also, SitePlanner 3.0 does not consider verifications of the interconnectivity of any components, nor does it consider component kits in performance predictions. Thus, SitePlanner 3.0 also does not show determining at least one performance characteristic for at least a part of said communications network which includes at least one component kit. If King were combined with SitePlanner 3.0, it is possible that the resulting product could have various component kits based on a series of preformed table look ups presented to the technician as a response to the predicted (or measured) performance characteristics, as is shown in Figure 13 of King. However, the combination of King and SitePlanner 3.0 could not, except through hindsight, be used to enable component kits to be part of the prediction process, or allow new component kits to be constructed in a fault free manner that assures proper interconnectivity based on electrical or frequency data.

3) Claim 2, as amended, requires the ability to create component kits.

Creation and use of component kits is discussed in pages 42 and 43 of the application. This feature allows the technician, on-the-fly, to create a “computer representation” of more than one component, and to use this representation in the same manner as a computer representation of a single component would be used. Thus, the technician may greatly speed up and simplify a design project where a number of components are going to be repetitively used multiple times. In addition, the claimed invention would contemplate the ability to re-use the component kit made by the technician by his or her selection process.

As noted above, SitePlanner 3.0 does not discuss the use of component

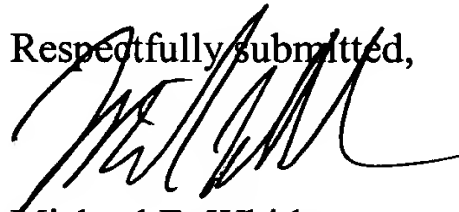
kits. King, in contrast to claim 2, uses preloaded or canned component kits (see columns 3-10). King does not show or suggest formulating a component kit from one or more different components and then using the thus formed kit in the same manner as a single component. As noted above, King fails to teach performance prediction and uses no electrical characteristics or frequency information as well.

In view of the above, claims 1-6, 8-12, and 14-15 should be allowable. Reconsideration at an early date is requested.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson, P.C.).

Respectfully submitted,



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